

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2016

C O R A M

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.19479 and 19480 of 2016

A.Delhi Basha .. Petitioner in W.P.No.19479/2016

K.Ganapathy .. Petitioner in W.P.No.19480/2016

Vs.

- 1 The Government of Tamil Nadu
rep. by its Principal Secretary
Transport Department
Secretariat
Fort St.George
Chennai-600 009.
2. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
3/137 Salamedu
Vazhuthareddy - Post
Villupuram-605 602.
- 3 The Financial Advisor
and Chief Accounts Officer
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
3/137 Salamedu
Valuthareddy - Post
Villupuram-605 602.
4. The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.

.. Respondents in both W.Ps.

Prayer in both Writ Petitions:- Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents 2 to 4,

to settle the petitioners' retirement benefits, such as, Gratuity Amount, Commutation of Pension, Leave on Encashment (EL) Amount, Arrears of Leave Surrender for the year 2014 (EL), Pension DA arrears amount and PF arrears amount and Settlement arrears, reimbursement of Medical College and Engineering College amount and other attendant benefits after duly taking into account the enhanced Dearness Allowance with 18% interest on delayed payment to the petitioners from 30.06.2015 & 31.08.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioners by following the order passed in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015 and to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioners: Mr.V.S.Jagadeesan
in both petitions

For Respondents: Mr.S.Sairaman
in both petitions Standing Counsel
for Transport Corporation

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. The petitioners joined the services of the Thanthai Periyar Transport Corporation, Villupuram, as "Conductor" on 20.02.1986 and 02.01.1984 respectively and at the time of retirement, they were working as Special Grade Conductor and Selection Grade Conductor respectively. According to the petitioners, though, they were retired from service on 30.06.2015 and 31.08.2015 respectively, till date, they were not paid with any other retirement benefits, such as, Gratuity Amount, Commutation of Pension, Leave on Encashment (EL) Amount, Arrears of Leave Surrender for the year 2014 (EL), Pension DA arrears amount, PF arrears amount and Settlement arrears, reimbursement of Medical College and Engineering College amount and other attendant benefits after duly taking into account the enhanced Dearness Allowance. Therefore, they submitted representations before the respondents, on 26.04.2016, to pay the petitioners all their retirement benefits with 18% interest on delayed payment to the petitioners from the date of retirement to till the date of settlement of the terminal benefits to the petitioners. However, till date, the same has not been considered. Hence, the present Writ Petitions.

3. Mr.V.S.Jagadeesan, the learned counsel appearing for the petitioners, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in these Writ Petitions also.

4. Mr.S.Sairaman, the learned Standing Counsel, who took notice on behalf of the respondents/Transport Corporation, would affirm that the issue involved in these Writ Petitions is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. Considering the fact that the issue involved in these Writ Petitions is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the respondents 2 and 3 are directed to disburse the aforementioned retiral benefits to the petitioners in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.08.2016.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Principal Secretary
Government of Tamil Nadu
Transport Department
Secretariat, Fort St.George
Chennai-600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Ltd.
3/137 Salamedu, Vazhuthareddy - Post
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4. The Administrator
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Thiruvalluvar House
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Chennai-600 002.

+2ccs to Mr.V.S. Jagadeesan, Advocate, S.R.No.31077
+1cc to the Government Pleader, S.R.No.31258

NRJK(CO)
EU(20/06/2016)

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